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| 10/526,032 | 09/09/2005 | Jarle Belt | 00628.00004 | 4774 |
| 22908 7590 02/11/2009 BANNER & WITCOFF, LTD. TEN SOUTH WACKER DRIVE SUITE 3000 CHICAGO, IL 60606 | | | | |
| EXAMINER | | | | |
| BELL, BRUCE F | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,032

Applicant(s)

BELT, JARLE

Examiner

Bruce F. Bell

Art Unit

1795

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/02)
Paper No(s)/Mail Date 2/28/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (d) BRIEF SUMMARY OF THE INVENTION.
- (e) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (f) DETAILED DESCRIPTION OF THE INVENTION.
- (g) CLAIM OR CLAIMS (commencing on a separate sheet).
- (h) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

Applicant's are requested to place the above section headings prior to each section of their instant specification.

1. The disclosure is objected to because of the following informalities:

Page 1, lines 16-17; Delete reference to claim 1 and insert that which applicant intends to be the instant invention. Claims are subject to change during prosecution and therefore reference to the instant claims is not permitted in the instant specification.

Page 10, line 14; "PVS" is not define with respect to what the abbreviation stands for. In order to use abbreviations, in the first instance that it is used, it must be defined (i.e. for example

polyvinyl sulfone (PVS)). Since PVS could stand for many materials, it must be understood what material that applicant considers relevant to meet this abbreviation.

Page 11, line 2; No Figure 4 is found. Does applicant mean Figure 4A or Figure 4B?

Page 10, line 1-2 and Page 11, line 6; Wire mesh 14 and anode surface 14 are disclosed. Are these features the same? If so, then applicant is requested to keep the terms or phrases consistent through out the specification or change the numbers to reflect what the apparatus features are.

Page 10, lines 1-2 and page 11, line 7; wire mesh 12 and cathode surface 12 are disclosed. Are these features the same? If so, then applicant is requested to keep the terms or phrases consistent through out the specification or change the numbers to reflect what the apparatus features are.

Page 11, line 15; no Figure 1c is found in the drawings. Is it the separate figure not labeled on the same page as Figure 1A and 1B? If so, it is requested that applicant please correct this page of the Figures to reflect this.

Page 17, line 15; Does "2,5 m²" mean "2.5 m²" ? Applicant is requested to change all places within the specification where a comma is used to represent a "." if this is the case.

Page 17, line 29; "PCB" is not defined. Please insert what this term stands for.

Page 18, lines 16-17; Change "chloro-rganic" to "chloro-organic".

Page 18, line 31; "BETEX" is not defined. Please insert what this term stands for.

Page 19, line 3; NPD and TEOM are not defined. Please insert what these terms stand for.

Page 19, line 7; Change "H2S" to "H₂S".

Page 19, line 27; Change "cm2" to "cm²".

Applicants instant specification is replete with misspellings of words such as "plaited" which appears to be meant to be "plated". Please make the appropriate spelling corrections through out the entire specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is vague and indefinite with respect to the reference in paragraph 4 of the claim wherein the space means is a perforated foil or wire mesh being adapted to cover one of the plane surfaces of the perforated foil or wire mesh and the plane section of said perforated foil or wires mesh corresponds mainly to the plane section of the frame. It is unclear to the examiner which perforated foil or wires mesh is being instantly claimed since it appears that the spacer and the electrodes next to the conductive frame all have this perforated foil or wires mesh and if the spacer is a foil or wire mesh, it is unclear how the device will not be capable of short circuiting since the spacer is suppose to be non-conductive material which means that these wires could not be wires by definition and still be non-conductive. Further, it is unclear which perforated foil or wire mesh is being instantly claimed. Is it the perforated foil or wire mesh of the anode and cathode surfaces or is it that of the spacer, since the claim appears to have improper antecedent basis for the same feature for the spacer as for the anode and cathode surface perforated foil or

wire meshes. Therefore, it appears that the instant invention as set forth needs to be clarified and/or corrected to more distinctly claim the instant invention. Further, it appears that applicant needs to provide the materials used for the spacer showing that these materials are non-conductive since the term "wires" designates conductivity since wires are typically conductive in nature. It appears that the "wires" applicants are describing are non-conducting in nature and should therefore be set forth as non-conducting and in fact the specification is showing the use of PVS or PP which are polymers and are not metals for the spacer.

Claims 2-26 depend on claim 1 and therefore have the same deficiencies.

The instant claims above have been researched based on the premise that the electrode structure is that of a conductor having flow through openings are sandwiched between two electrodes having a perforated foil or metal mesh with a non-conductive spacer configured in the same configuration as that of the conductor being deposited on one of the two electrodes. The examiner has not found any prior art showing such structure and depending on how applicants clarified their instant claims to overcome the 35 USC112 – 2nd paragraph rejection, it appears that the instant claims may be allowable. Applicants are reminded that the antecedent basis for "the wires" or "the wire mesh" or "the perforated foil" may need to be clarified in the dependent limitations also once the independent claim 1 has been address. Should applicant have any questions, they may contact me by phone at 571-272-1296 to address the issues at hand.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce F. Bell whose telephone number is 571-272-1296. The examiner can normally be reached on Monday-Friday 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BFB
February 10, 2009

/Bruce F. Bell/
Primary Examiner, Art Unit 1795